

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 9268-3

DATE: February 23, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Brian Lora, Raleigh, North Carolina
Frank Brick, Chapel Hill, North Carolina
Steven Horan, Cary, North Carolina
Randy Whitehead, Cary, North Carolina
Steve Siegel, Cary, North Carolina

Entitled: **SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR MANAGING A PLURALITY OF REMOTELY LOCATED DATA STORAGE SYSTEMS**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 40 pages of Specification (including 60 claims)
3. ☒ 6 sheets of Formal Drawings (35 USC 113)
4. ☐ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

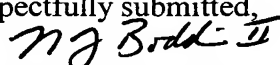
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and _____ references cited
11. ☐ Preliminary Amendment (***Please enter all claim amendments prior to calculating the filing fee.***)
12. ☐ English Translation Document
13. ☐ Certified Copy of _____ Application No. _____ ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☒ Other: Application Filed under 37 C.F.R. 1.41(c)

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	60 - 20 =	40	x 09 = \$	x 18 = \$720.00
INDEP CLAIMS	5 - 3 =	2	x 43 = \$	x 86 = \$172.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1,662.00

- ☒ A check in the amount of \$1,662.00 to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ _____ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ _____.
- ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☒ Additional patent application processing fees under 37 CFR 1.17.

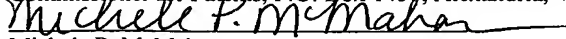
Respectfully submitted,

 Needham James Boddie, II
 Registration No. 40,519

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV381444420US

Date of Deposit: February 23, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


 Michele P. McMahan

ATTORNEY DOCKET NO.: 9268-3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Brian Lora et al.

Serial No.: To Be Assigned

Filed: Concurrently Herewith

For: **SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR
MANAGING A PLURALITY OF REMOTELY LOCATED DATA STORAGE
SYSTEMS**

February 23, 2004

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPLICATION FILED UNDER 37 CFR 1.41(c)

Sir:

The above identified application is being filed on behalf of the inventors, **Brian Lora**, resident of Raleigh, North Carolina; **Frank Brick**, resident of Chapel Hill, North Carolina, **Steven Horan**, resident of Cary, North Carolina, **Randy Whitehead**, resident of Cary, North Carolina and **Steve Siegel**, resident of Cary, North Carolina under the provisions of 37 CFR 1.41(c). A Declaration and Power of Attorney from the inventors will follow, 37 CFR 1.63.

Respectfully submitted,



Needham James Boddie, II
Registration No. 40,519

USPTO Customer No. 20792

Myers Bigel Sibley & Sajovec, P.A.

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Raleigh, North Carolina 27627

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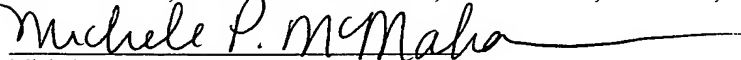
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Michele P. McMahan